## DECLARATION

As a below named inventor, I hereby declare that:

 $\,$  My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which s claimed and for which a patent is sought on the invention entitled ANTIFUNGAL POLYPEPTIDE AND METHODS FOR CONTROLLING PLANT PATHOGENIC FUNGI, the Specification of which:

is attached hereto.

X was filed on December 13, 1996 as Application Serial No. 08/766,355.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status)

I hereby direct that all correspondence and telephone calls be addressed to Barbara S. Kitchell, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210 (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Jihong / Liang	
(First) (Initial) (Last)	
Inventor's Signature:	
Date: 48/97 Country of Citizenship: 100,00	
Resident Address: 936 welts to Place Dr. Chesterfield, M06301	7
(Include number, street name, city, state, and country)	,
Post Office Address: (if different from residence address)	

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Inventor's Full Name: Dilip Maganlal Shah (First) (Initial) (Last)
Inventor's Signature: Dilih Maganlal Sheh
Date: 04 07 97 Country of Citizenship: USA
Resident Address: 14800 Lupine Ct, Chesterfield, MO. 63017
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Post Office Address: 14800 Lupine Ct, Chesterfield MO. 63017 (if different from residence address)
Inventor/s Pull Name Vand
Inventor's Full Name: Yonnie S. Wu (First) (Initial) (Last)
Inventor's Signature: Jown C Wu
Date: 04/07/97 Country of Citizenship: P.R. China
(Include number, street name, city, state, and country)
Post Office Address:
(if different from residence address)
Inventor's Full Name: Cindy A. Rosenberger
(First) (Initial) (Last)  Inventor's Signature: (Note: 1000 1000 1000 1000 1000 1000 1000 10
410100
Resident Address: 557 RED BRIDGE CT, BALLWIN, MO 63021 USA
(Include number, street name, city, state, and country)
Post Office Address: (if different from residence address)
and the London Control address,
Inventor's Full Name: Salim Hakimi (First) / (Initial) (Last)
Inventor's Signature: (Mum HalliM)
Date: 4/9/97 Country of Citizenship: 1/5
Resident Address: 15625 Summerlake Dr Chesterfield MO 63017 (Include number, street name, city, state, and country)

Post Office Address: (if different from residence address)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jihong Liang, Dilip Maganlal

Shah, Yonnie S. Wu, Cindy A.

Rosenberger and Salim Hakimi

S

Serial No.: 08/766,355

Examiner: Unknown

Filed: December 13, 1996

Group Art Unit: Unknown

riled: December 13, 1996

Atty. Dkt: MOBT:063/KIT

For: ANTIFUNGAL POLYPEPTIDE AND
METHODS FOR CONTROLLING
PLANT PATHOGENIC FUNGI

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

S

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

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The undersigned, being Assignee of record of the entire interest in the above-fidentified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints John F. Lynch, Reg. No. 22,504, Louis T. Pirkey, Reg. No. 22,393; J. Paul Williamson, Reg. No. 29,600; Melinda L. Patterson, Reg. No. 33,092; David L. Parker, Reg. No. 32,165; Barbara S. Kitchell, Reg. No. 33,928; Mark B. Wilson, Reg. No. 37,259; Gary J. Sertich, Reg. No. 34,430; Steven L. Highlander, Reg. No. 37,642; Timothy S. Corder, Reg. No. 38,414; Adam V. Floyd, Reg. No. 39,192; and Shelley P.M. Fussey, Reg. No. 39,458; each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Monsanto Company, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Barbara S. Kitchell ARNOLD, WHITE & DURKEE P.O. Box 4433 Houston, Texas 77210-4433 (512) 418-3000

ASSIGNEE: MONSANTO COMPANY

By:

Name

Jon H. Beusen

ntellectual Property Counsel

leg. 20. 30,610

Date: May 12, 1997
ASSIGNMENT: Concurrently filed

Jon H. Beusen Intellectual Property Counsel Authorized to sign this document for Monsanto Company by resolution dated April 15, 1996 of the Board of Directors MOBT 063



UNITED SEE AS DEPARTMENT OF COMMERCE Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

JULY 24, 1997

PTAS

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ARNOLD, WHITE & DURKEE BARBARA S. KITCHELL P.O. BOX 4433 HOUSTON, TX 77210

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 06/12/1997

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NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

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LIANG, JIHONG

DOC DATE: 04/08/1997

ASSIGNOR:

SHAH, DILIP MAGANLAL

DOC DATE: 04/07/1997

ASSIGNOR:

WU, YONNIE S.

DOC DATE: 04/07/1997

ASSIGNOR:

ROSENBERGER, CINDY A.

DOC DATE: 04/07/1997

ASSIGNOR:

HAKIMI, SALIM

DOC DATE: 04/09/1997

ASSIGNEE:

MONSANTO COMPANY
700 CHESTERFIELD PARKWAY NORTH
ST. LOUIS, MISSOURI 63198

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REC'D - A.W.D.

AUG 0 2 1997

DOCKET DESK

8563/0462 PAGE 2

SERIAL NUMBER: 08766355

PATENT NUMBER:

FILING DATE: 12/13/1996

ISSUE DATE:

DIANE RUSSELE, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

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PATENT FILE NO. MOBT:063 38-21(13511)A

## ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Monsanto Company (the "Assignee"), having a place of business at 700 Chesterfield Parkway North, St. Louis, Missouri 63198, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/766,355 which has been filed on December 13, 1996 and is entitled "ANTIFUNGAL POLYPEPTIDE AND METHODS FOR CONTROLLING PLANT PATHOGENIC FUNGI," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein as the same as herein to be a sa

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all idivisional, continuing, substitute, renewal, reissue, and all other patent applications any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for everything title to such improvements in the Assignee, and for securing, maintaining and elemforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the reundersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature): Date: 4/8/97

STATE OF MISSOURI

COUNTY OF States

State of Missouri

State

BEFORE ME, the undersigned authority, on this 500 day of 1997, personally appeared Jihong Liang, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

MOTARY PUBLIC STATE OF MISSOURI ST. LOUIS COUNTY MY COMMISSION EXP. NOV. 20,1999

(Signature):	Dilip Maganlal Shah	Shah	Date: 04/07/	97_,
STATE OF MISSOURI	)			
COUNTY OF St Lo	uis ) ss.			
personally appears subscribed to the	the undersigned authorited Dilip Maganlal Shah, foregoing instrument and wn free will for the pur	known to me to dacknowledged to	be the person whose me that he/she exe	e name is
(	No	otary or Consular	officer	
[SEAL.]		*****	MITH A LONENZ	•
		<b>NOTARY</b> PUR	LOUIS COUNTY	
	yomie Wu		SION EXP NOV 201999	197
Name:	Yonnie S. Wu			
STATE OF MISSOURI	) \. ) ss.			
COUNTY OF St. lo	<u>u, ?</u> )			
<pre>personally appeare to the foregoing</pre>	the undersigned authorited Yonnie S. Wu, known to instrument and acknowled will for the purposes are	me to be the per dged to me that	son whose name is s he/she executed the therein expressed.	, 1997, ubscribed e same of
, [SEAL]	140		$\mathcal{O}$	
, gir de		NOTARY PUBLIC:	A LOMENZ STATE OF MISSOURI	
(Signature):	Cindy & Losubu	MY COMMISSION	S COUNTY  UEXP NOV 2/19967   9-  Date:	1
STATE OF MISSOURI	)			
COUNTY OF Salow	) ss. IS )			
personally appears subscribed to the	the undersigned authorited Cindy A. Rosenberger, foregoing instrument and wn free will for the pur	known to me to dacknowledged to	be the person whose me that he/she exe	cuted the
	No	otary or Consular	Officer	
[SEAL]		•	/ /	

JUDITH A LORENZ
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP. NOV. 20,1999

(Signature): Salim Hakimi Date: 4/9/97
STATE OF MISSOURI )
COUNTY OF Salouis )
BEFORE ME, the undersigned authority, on this \( \frac{\left( \text{w} \)}{\text{day}} \) day of \( \frac{\text{Apri}}{prisonally appeared Salim Hakimi, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.  Notary or Consular Officer
[SEAL]  JUDITH A LORENZ  NOTARY PUBLIC STATE OF MISSOURI  ST. LOUIS COUNTY
MY COMMISSION TYP MON ON AND

P. O. Box 4433 Houston, Texas 77210

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2001 Jefferson Davis Hwy., Ste. 401
Arlington, Virginia 22202